

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

PARKER-HANNIFIN CORPORATION,

Plaintiff,

v.

C.A. No. 06-751-MPT

ZIPPERTUBING (JAPAN), LTD.,

Defendant.

SCHEDULING ORDER

This 26 day of April, 2008, the Court having conducted a scheduling and planning conference on March 13, 2008, and the parties having determined after discussion that the matter cannot be resolved at this juncture by settlement, voluntary mediation, or binding arbitration;

IT IS ORDERED that:

1. Paragraphs 3.c, 10, 11, 12, 15 and 18 of the Court's Initial Scheduling Order of September 11, 2007 are hereby vacated.

2. (formerly 3.c.) Discovery Cut Off. All fact discovery in this case shall be initiated so that it will be completed on or before **November 14, 2008**. The Court encourages the parties to serve and respond to contention interrogatories early in the case. Unless otherwise ordered by the Court, the limitations on discovery set forth in Local Rule 26.1 shall be strictly observed.

3. (formerly 10.) Case Dispositive Motions. All case dispositive motions, an opening brief, and affidavits, if any, in support of the motion shall be served and filed on or before **December 15, 2008**. Briefing will be presented pursuant to the Court's Local

Rules. All oppositions to any case dispositive motions filed shall be served and filed on or before **January 16, 2009**. All replies to any oppositions to any case dispositive motions filed shall be served and filed on or before **January 30, 2009**.

4. (formerly 11.) Claim Construction Issue Identification. If the Court does not find that a limited earlier claim construction would be helpful in resolving the case, on **May 1, 2008**, the parties shall exchange a list of those claim term(s)/phrase(s) that they believe need construction and their proposed claim construction of those claim term(s)/phrase(s). This document will not be filed with the Court. Subsequent to exchanging that list, the parties will meet and confer to prepare a Joint Claim Construction Chart to be submitted on **June 2, 2008**. The parties' Joint Claim Construction Chart should identify for the Court the term(s)/phrase(s) of the claim(s) in issue, and should include each party's proposed construction of the disputed claim language with citation(s) only to the intrinsic evidence in support of their respective proposed constructions. A copy of the patent(s) in issue as well as those portions of the intrinsic record relied upon shall be submitted with this Joint Claim Construction Chart. In this joint submission, the parties shall not provide argument.

5. (formerly 12.) Claim Construction. The parties shall contemporaneously submit initial briefs on claim construction issues on **July 1, 2008**. The parties' answering/responsive briefs shall be contemporaneously submitted on **July 15, 2008**. No reply briefs or supplemental papers on claim construction shall be submitted without leave of the Court. Local Rule 7.1.3(4) shall control the page limitation for initial (opening) and responsive (answering) briefs.

6. (formerly 15.) Pretrial Conference. On **June 1, 2009**, the Court will hold a Final Pretrial Conference in Chambers with counsel beginning at **5:30 p.m.** Unless otherwise ordered by the Court, the parties should assume that filing the pretrial order satisfies the pretrial disclosure requirement of Federal Rule of Civil Procedure 26(a)(3). The parties shall file with the Court the joint proposed final pretrial order with the information required by the form of Final Pretrial Order which accompanies this Scheduling Order on or before **May 19, 2009**.

7. (formerly 18.) Trial. A 7 day jury trial will begin on **June 15, 2009** in one or more of Civil Action Nos. 06-751-MPT, 07-104-MPT, and 07-266-MPT, the specific action or actions to be tried then to be selected at a later date. Trial will begin at 9:30 am on the first day with the remaining trial days beginning at 9:00 a.m. For the purpose of completing pretrial preparations, counsel should plan on each side being allocated a total of **18 hours** to present their case.



UNITED STATES MAGISTRATE JUDGE

8. Hearing on Claim Construction: Beginning at **10:30 a.m. on August 1, 2008**, the Court will hear evidence and argument on claim construction.